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Congress of the United States
House of Representatives
Washington, DC 20515-3005

July 30, 2018

The Honorable Andrew Wheeler
Acting Administrator
Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, DC 20460

Dear Acting Administrator Wheeler:

I write concerning the matter of illegal dumping in our New Jersey communities. In prior decades, New Jersey and its shores were a notorious dumping ground for other states. This practice continues today in a different form, particularly with contaminated soil and debris.

Specifically, as described in my correspondence to your office on May 24, 2018, in Vernon Township, New Jersey, a property owner on Silver Spruce Drive—a residential street off Route 565—has engaged for several years in dumping of what residents believe to be solid waste. All the while, he has done so in violation of a stop-work order by the Sussex County Soil Conservation District. Despite being fined \$75,000 in municipal court earlier this year for causing what Vernon Municipal Judge James Devine deemed an “environmental disaster,” the property owner has continued to violate the stop-work order as he appeals the fine. The owner of this property previously pled guilty in 2017 to six counts of unlawful disposal of solid waste in New York State, with complaints accusing him of dumping an estimated 1,000 truckloads of construction and demolition debris at six sites in New York. According to local law enforcement in Vernon Township, there is evidence that the owner has been transporting potentially contaminated materials in trucks from across state lines, including materials potentially excavated at gas stations. I am very concerned for the safety and health of families and children in Vernon, and the impact dumping can have on the environment, water security, and long-term property value of the area.

This problem is not limited to this one incident in Vernon Township. I am aware of other cases of illegal dumping in my District, and the issue is widespread enough to have warranted a March 2017 report from the State of New Jersey’s Commission of Investigation, *Dirty Dirt: The Corrupt Recycling of Contaminated Soil and Debris*. The report found that illegal operators “profit from a dangerous commerce in contaminated materials covertly dumped by the truckload into a chaos of inappropriate and unregulated venues that, as a consequence, have been rendered serious environmental and public-health threats.”

Notably, the Commission found that New Jersey is “a haven for criminally tainted garbage and recycling entrepreneurs who were kicked out of the business due to heightened vigilance and stronger rules elsewhere, most notably in neighboring New York.” The Commission’s investigators “explicitly identified more than 30 individuals of this sort who had been debarred by New York but who nonetheless were actively engaged in commercial solid waste and/or recycling in New Jersey.”

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Given the interstate nature of this illicit dumping, and the fact that demolition debris being hauled from out of state and dumped in New Jersey is often contaminated with known cancer-causing agents, I respectfully ask that the Environmental Protection Agency (EPA) review and inspect the dumping on Silver Spruce Drive in Vernon Township.

The New Jersey Department of Environmental Protection (NJ DEP) conducted visual analysis of the property in question. However, according to local officials, the agency has not conducted any discrete environmental testing, which I believe is necessary to assess any chemical compounds or hazmat-level contamination. Attached please find the latest photographs of the dump site, including exposed brick, concrete, and other potentially hazardous waste material. For that reason, I ask that the EPA conduct these tests.

Separately, I ask the EPA to provide recommendations to state agencies like NJ DEP on how to strengthen their rules on illegal dumping and mitigate similar problems, including:

- 1) which contaminants to test for;
- 2) the methodology that should be used when testing debris; and
- 3) methods for improving the transparency of the testing process for the public's benefit.

Illegal dumping of waste in New Jersey and elsewhere constitutes a serious environmental threat and a public-health crisis waiting to happen. We need improved oversight from the EPA to ensure that states are meeting their obligations to protect communities from this criminal activity. I look forward to your response.

Sincerely,



Josh Gottheimer
MEMBER OF CONGRESS